



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING DEPARTMENT HEARING**

*Promoting the wise use of land  
Helping build great communities*

|  |   |  |  |
|--|---|--|--|
| MEETING DATE<br>May 6, 2005  | CONTACT/PHONE<br>Stephanie Fuhs<br>(805) 781-5721 | APPLICANT<br>Happie Lee                                  | FILE NO.<br>COAL 04-0047<br>SUB 2004-00153 |
| <b>SUBJECT</b><br>Request by Happie Lee/Tartaglia Engineering for a Lot Line Adjustment and Variance to adjust the lot lines between two parcels of 0.17 and 12.31 acres each and allow an existing non-conforming front setback for the existing residence on proposed Parcel 1. The adjustment will result in two parcels of 5.66 and 6.82 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Rural land use category and is located at 6119 Lewis Lane, approximately 1 mile west of Highway 227, approximately 2 miles south of the City of San Luis Obispo. The site is in the San Luis Obispo (Edna) planning area. |   |  |  |
| <b>RECOMMENDED ACTION</b><br>Approve Lot Line Adjustment COAL 04-0047 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.  |   |  |  |
| <b>ENVIRONMENTAL DETERMINATION</b><br>A Class Five Categorical Exemption was issued on March 29, 2005 (ED 04-436).   |   |  |  |
| LAND USE CATEGORY<br>Residential Rural   | COMBINING DESIGNATION<br>Airport Review           | ASSESSOR PARCEL NUMBER<br>044,182,001 & 003              | SUPERVISOR DISTRICT(S)<br>3                |
| <b>PLANNING AREA STANDARDS:</b><br>None applicable   |   |  |  |
| <b>LAND USE ORDINANCE STANDARDS:</b><br>22.22.060 –Subdivision Design Standards for Residential Rural land use category  |   |  |  |
| <b>EXISTING USES:</b><br>Two single family residences  |   |  |  |
| <b>SURROUNDING LAND USE CATEGORIES AND USES:</b><br><i>North:</i> Residential Rural/Residences<br><i>South:</i> Residential Rural/Residences<br><i>East:</i> Residential Rural/Residences<br><i>West:</i> Residential Single Family/Residences   |   |  |  |
| <b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b><br>The project was referred to: Public Works, Environmental Health, Ag Commissioner, CDF, City of San Luis Obispo  |   |  |  |
| <b>TOPOGRAPHY:</b><br>Mostly level to gently sloping   |   | <b>VEGETATION:</b><br>Grasses, forbs, ornamentals, pines |  |
| <b>PROPOSED SERVICES:</b><br>Water supply: On-site well<br>Sewage Disposal: Individual septic system<br>Fire Protection: CDF   |   | <b>ACCEPTANCE DATE:</b><br>December 7, 2004              |  |
| ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:<br>COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242   |   |  |  |

## BACKGROUND

Conditional Certificates of Compliance were approved by the Subdivision Review Board on November 2, 2001 and recorded on December 31, 2001. Conditions of approval for the Conditional Certificate of Compliance included processing of a Lot Line Adjustment to equalize the parcel sizes and a Variance to allow a non-conforming front setback for the existing residence on proposed Parcel 1 to remain.

## ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

| EXISTING LOT SIZES (ACRES) | ADJUSTED PARCEL SIZES (ACRES) |
|----------------------------|-------------------------------|
| 0.17 acres                 | 5.66 acres                    |
| 12.31 acres                | 6.82 acres                    |

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to more nearly equalize the parcel sizes and conform to the minimum parcel size for the Residential Rural land use category.

## SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcels as adjusted are consistent with the minimum parcel sizes as set forth in the General Plan, staff has concluded that the adjustment is consistent with both state and local law .

## LEGAL LOT STATUS:

The two existing lots were legally created by Conditional Certificates of Compliance at a time when that was a legal method of creating lots.

## VARIANCE FINDINGS

*The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated.*

The existing residence on proposed Parcel 1 was built approximately 45 years ago. Subsequently, the Public Works Department completed road widening on Lewis Lane, which decreased the setback from the street to less than the 25-feet required by Land Use Ordinance

standards today. Any new development or remodel of the existing residence on proposed Parcel 1 would be required to meet current setback standards.

*There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of the absence of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category.*

As stated above, the widening of Lewis Lane by the Public Works Department created the non-conforming setback and the house was built about 45 years ago.

*The variance does not authorize a use that is not otherwise authorized in the land use category.*

The property is zoned Residential Rural which allows residences.

*The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements.*

The existing residence is located approximately 15 feet from the front property line which is adequate to provide for emergency access and does not create a significant public health or welfare problem.

**FINDINGS - EXHIBIT A**  
**SUB2004-00153/COAL 04-0047 (LEE)**

*Lot Line Adjustment*

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the parcels, as adjusted, meet minimum parcel sizes for the land use category.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class Five) pursuant to CEQA Guidelines Section 15303 because the Lot Line Adjustment is a minor adjustment located on slopes less than 20 percent and does not contain significant fish or wildlife habitats.

*Variance*

- E. The variance authorized does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and land use category in which it is situated because the existing residence was built with conforming setbacks which became non-conforming when the Public Works Department completed a road widening project on Lewis Lane.
- F. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, and because of the absence of these circumstances, the strict application of this Title would deprive the property of privileges enjoyed by other property in the vicinity and in the same land use category. These circumstances consist of a nonconformity that was created by the County by completion of the road widening project on Lewis Lane.
- G. The variance does not authorize a use that is not otherwise authorized in the land use category because residences are an allowed use in the Residential Rural land use category.
- H. The granting of such application does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, and is not injurious to nearby property or improvements, because there is an adequate front setback to provide for emergency access.
- I. The variance is consistent with the San Luis Obispo County General Plan.

**CONDITIONS - EXHIBIT B**  
**SUB 2004-00153/COAL 04-0047 (LEE)**

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel.

11. **Prior to recordation of a parcel map or certificates of compliance finalizing the lot line adjustment**, the applicant shall enter into an agreement, in a form approved by County Counsel, which includes the following:
  - a. An agricultural buffer prohibiting residential structures, consisting of 225 feet along the entire length of the southeastern property line on proposed Parcel 2 and 200 feet along the entire length of the northeastern property lines on proposed Parcels 1 and 2 shall be shown on future construction permit application plans. This buffer shall be for residential structures only. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
  - b. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
  - c. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.

Staff report prepared by Stephanie Fuhs  
and reviewed by Kami Griffin, Supervising Planner

7



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



NOV 17 2004

VICTOR HOLANDA, AICP  
DIRECTOR

## THIS IS A NEW PROJECT REFERRAL

DATE:

11/16/04

From

PW

LEE



South Co. Team

(Please direct response to the above)

SUB2004-00153  
Project Name and Number COAL 04-0470

Development Review Section (Phone: 788-2009 ) ( )

W/in Airport Review

PROJECT DESCRIPTION:

LLA. TO adjust two parcels to  
create (1) 5.66 acre parcel & (1) 6.82 acre parcel.  
Currently, parcels are .17 acres & 12.31 acres. Located  
off Lewis Lane, near Hwy. 227 & Country Club Ln. in SLO.

APN: 044-182-0019003.

Return this letter with your comments attached no later than:

12/1/04

### PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

### PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

### PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Recommend Approval - No Concerns

03 Dec 2004  
Date

Goodwin  
Name

5252  
Phone



7

(BP)

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

DEC 13 2004

Planning & Building

THIS IS A NEW PROJECT REFERRAL

VICTOR HOLANDA, AICP

DIRECTOR  
NOV 17 2004

ENVIRONMENTAL HEALTH

DATE:

11/16/04

TO:

Env. Health

FROM:

South Co. Team

(Please direct response to the above)

LEE

SUB2004-00153

Project Name and Number CAL 04-0470

Development Review Section (Phone:

788-2009 ) ( )

w/in Airport Review

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\_\_\_\_\_

NO

(Please go on to Part III)

\_\_\_\_\_

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

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No concerns at this time. Thank you

Date

Name

Phone

*L. Salo*

781-5551





COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Masurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556

ROBERT F. LILLEY

AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** April 7, 2005

**TO:** Stephanie Fuhs, South County Team

**FROM:** Lynda L. Auchinachie, Agriculture Department *LF*

**SUBJECT:** Lee Lot Line Adjustment SUB2003-00153 (0976)

**Comments**

The Agriculture Department's review of the proposal to change the configuration of two existing parcels of approximately .17 and 12.31 acres to 5.66 and 6.82 acres, located on Lewis Lane, is equal to the existing configuration with the incorporation of the following mitigation measures.

**Recommended Mitigation Measures**

1. Establish an agricultural buffer of 225 feet along the entire length of the southeastern property line on proposed Parcel 2 to reduce land use incompatibilities associated with activities at the adjacent vegetable crop operation. The buffer applies to future residential homes. The buffer is not intended to restrict other appropriate land uses such as detention basins, parking or other uses which are not for human occupancy.
2. Establish an agricultural buffer of 200 feet along the entire length of the northeastern property lines on proposed Parcel 1 and 2 to reduce land use incompatibilities associated with activities at the adjacent dry farm hay operation. The buffer applies to future residential homes. The buffer is not intended to restrict other appropriate land uses such as detention basins, parking or other uses which are not for human occupancy.
3. Provide supplemental disclosure to purchasers of these properties that agricultural operations are located in close proximity. These operations may include, but not be limited to, activities that result in noise, dust, glare, and/or odors occurring throughout the day and into the night. The disclosure should include information regarding the County's Right to Farm Ordinance.

Comments are based on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-5914.



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

(BP)

RECEIVED

DEC 03 2004

Planning & Bldg

November 22, 2004

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear South County Team,

## LOT LINE ADJUSTMENT PLAN

**Name: Lee Project Number: SUB 2004-00153**

The Department has reviewed the lot line adjustment plans submitted for the proposed two parcel adjustment project located at 6119 Lewis Lane, San Luis Obispo. The property is located within high fire hazard severity area, and will require a minimum 6-8 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

### ROADS STANDARDS

- Access roads provide vehicular access to more than one lot of record or to one lot of record with more than four dwelling units.
- Access road widths shall be a minimum of 16 feet.
- Access roads shall have an unobstructed vertical clearance of not less than 13' 6".
- 1. Access roads shall be named and signed.
- Road naming and signing shall occur prior to building final.
- Road name and sign information is available by phoning 781-5199.

### DRIVEWAY STANDARDS

- The driveway width shall be 16 feet,
- A driveway exceeding 300 feet shall provide turnaround within 50 feet of the residence.
  1. Turnarounds shall be a minimum 40-foot radius or a hammerhead/T 60 feet long.

### ACCESS ROAD AND DRIVEWAY SURFACES

- Access roads and driveways surfaces shall be:
  1. All weather surfaced to a maximum grade of less than 12%.
  2. Asphalt or concrete with a non-skid finish for any grade exceeding 12% to a maximum grade of 16%.
  3. Meet a load capacity of 20 tons

### ADDRESSING

- Legible address numbers shall be placed on all residences.
- Legible address numbers shall be located at the driveway entrance.

### VEGETATION CLEARANCE

To provide safety and defensible space the following shall be required:

- To each side of roads and driveways a 10-foot fuel-break shall be provided.
- Maintain around all structures a 30-foot firebreak.
  1. This does not apply to landscaped areas and plants.
- Remove any part of a tree that is within 10 feet of a chimney outlet.

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

PLEASE REMEMBER TO CONSERVE ENERGY. FOR TIPS AND INFORMATION, VISIT "FLEX YOUR POWER" AT [WWW.CA.GOV](http://WWW.CA.GOV).

- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.

## **FINAL INSPECTION**

- The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Gilbert R. Portillo  
Fire Inspector

C: Mr. Lee Happie, owner  
Mr. Robert Tartaglia, agent



BP

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

CORE 29-04

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 11/16/04

TO: City of SLO

FROM: South Co. Team  
(Please direct response to the above)

LEE

SUB2004-00153  
Project Name and Number CAL 04-0470

Development Review Section (Phone: 788-2009 ) ( )

w/in Airport Review

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APN: 044-182-0019003.  
Return this letter with your comments attached no later than: 12/1/04

PART I

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X  
YES

(Please go on to Part II)

NO

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

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X  
NO

(Please go on to Part III)

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

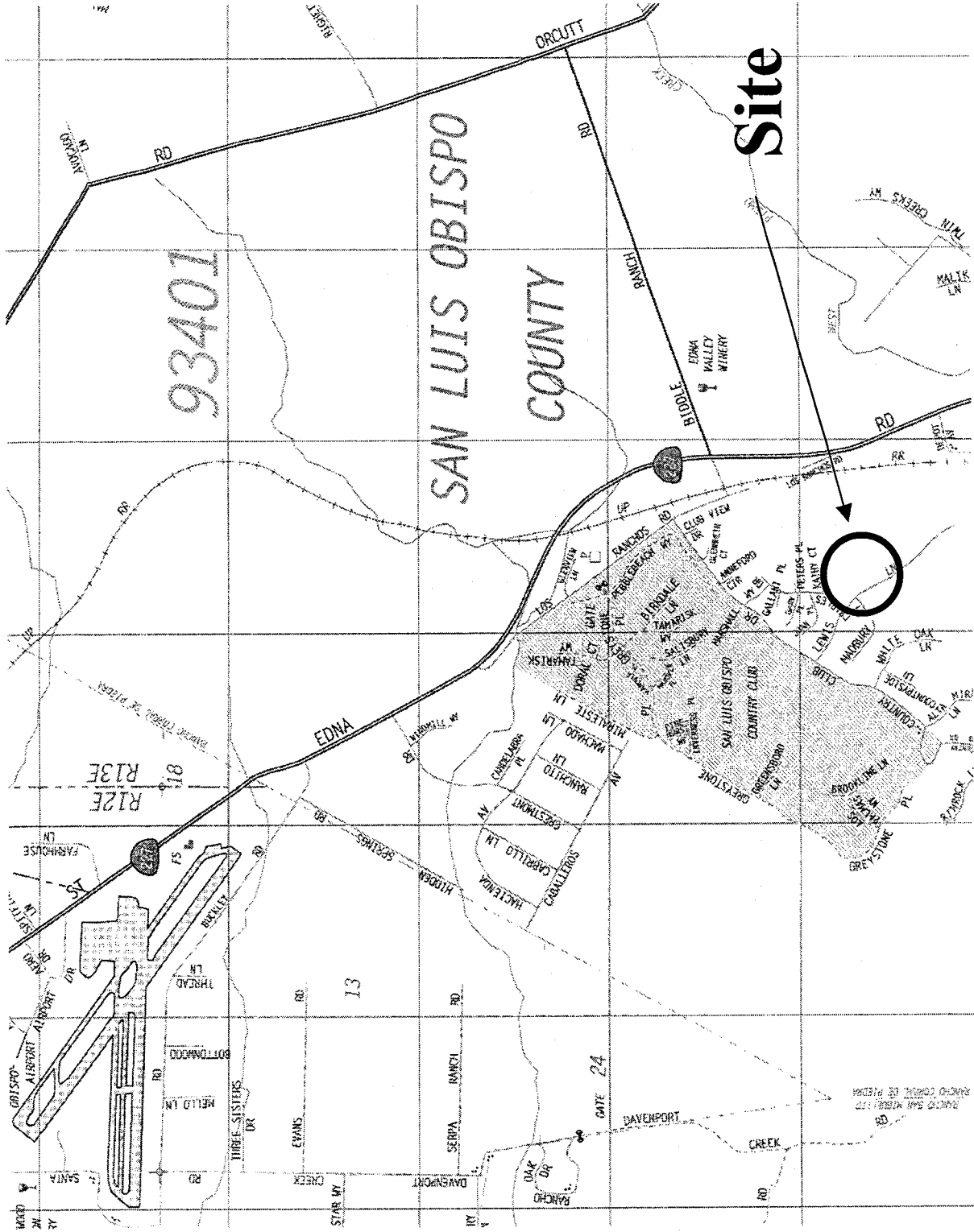
INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

NO COMMENT

Date

Name

Phone



Exhibit

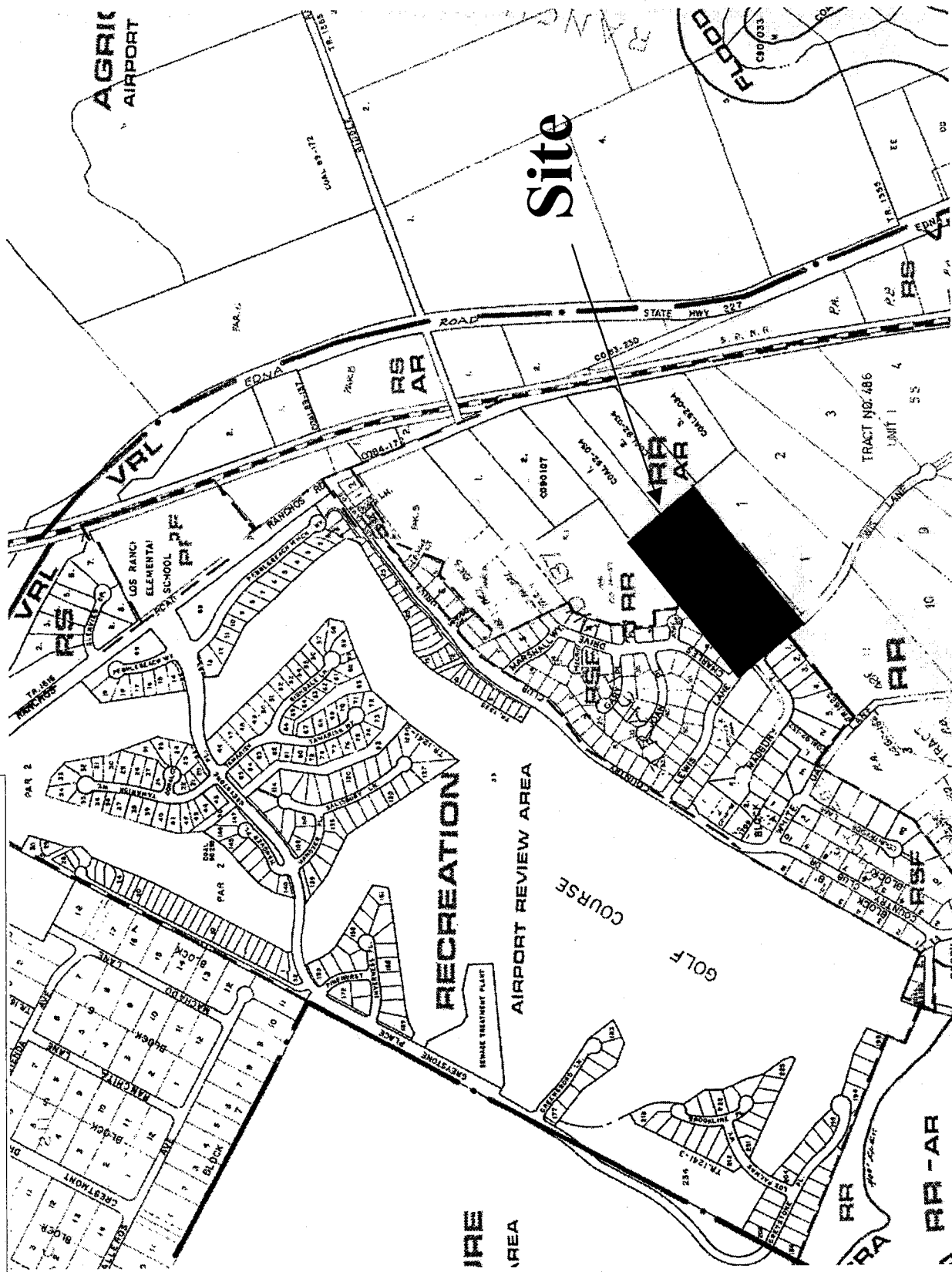
VICINITY MAP



Project  
Lee Lot Line Adjustment

SUB 2004-00153/COAL 04-0047

**San Luis Obispo Department of Planning & Building**



# Exhibit

## Land Use Category Map



# Project Lee Lot Line Adjustment

**SUB 2004-00153/COAL 04-0047**

